

OFFICE OF THE CLERK  
**UNITED STATES DISTRICT COURT**  
DISTRICT OF DELAWARE

Peter T. Dalleo  
CLERK OF COURT

LOCKBOX 18  
844 KING STREET  
U.S. COURTHOUSE  
WILMINGTON, DELAWARE 19801  
(302) 573-6170

February 8, 2006

**TO: Ronald Johnson**  
SBI #182421  
Howard R. Young Correctional Institution  
P.O. Box 9561  
Wilmington, DE 19802

**RE: Response to Request/Motion for Copy of Writ Petition,  
CA 04-1444 KAJ**

Dear Mr. Johnson:

Your letter requesting a complete copy of the Petition for Writ of Habeas Corpus filed under 28 U.S.C. 2254, in CA 04-1444 KAJ, has been received by the Clerk's Office.

We are providing the requested document for this request only. Please be advised that in accordance with the directive from the Judicial Conference of the United States the fee for copywork is fifty (\$.50) cents per page. **Should you require copywork in the future**, please be aware of this fee requirement.

Nothing contained in this letter is intended to express an opinion as to the merits of any claims which you may be alleging.

Sincerely,

/s/

/rbe

PETER T. DALLEO  
CLERK

cc: The Honorable Kent A. Jordan, CA 04-1444 KAJ

In The United States District  
For The District OF Delaware

FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2006 FEB -7 PM 5:00  
OBC

Ronald G. Johnson

V.

U.S. Probation Office et al., )

) Civil Action No. 1:04-cv-01444-K.A.J.

) Dear Clerk

) Please forward me a copy of  
my petition for writ of Habeas Corpus. Thanks!

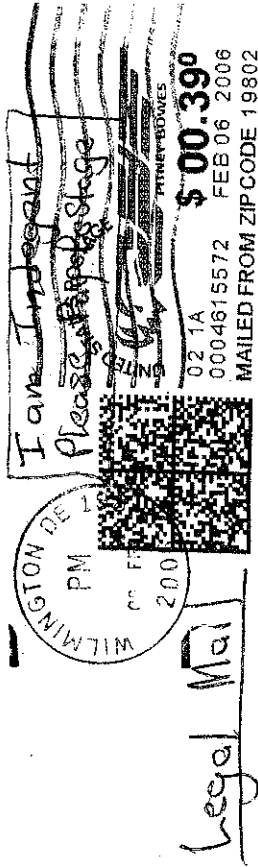
Motion For Copy OF Writ OF Habeas Corpus Petition

Comes Now, the Petitioner Ronald G. Johnson  
and Moves this Honorable Court for a Copy of his  
Writ OF Habeas Corpus Petition. Defendant is  
indigent and proceeding in Forma Pauperis.  
The Petitioner is indigent and intends on Pro-  
ceeding Further in Seeking Writ OF Habeas Corpus.  
My Petition may be modified or Charges to a  
Writ OF Mandamus. Or the Writ may be filed  
in another District. One way, or another, or  
all ways of seeking relief the Petitioner will  
will need a Full Copy of his Petition.

Thank You and your help and kindness is appreciated!

Sincerely Yours Ronald Johnson 2-3-06

Ronald G. Johnson  
#182421/H  
P.O. Box 956  
Wilmington Delaware 19809



Legal Mail

United States District Court  
For The District of Delaware  
844 N. King Street  
Wilmington, Delaware 19802

19801+2512 LEGAL MAIL ONLY

(2)

**COPY** United States District Court  
 In The District of Delaware  
 Wilmington Division  
Civil Division  
Article 3 Proceeding

Ronald Johnson

(Inmate Number #04431-015) (S.S.N. 266-69-8417) And  
 (Date of Birth 6-23-65) Lives in Wilmington Delaware  
 V. Petitioner

United State Probation Office  
 of Wilmington Delaware  
Respondant

Civil Action No:

04-1444

Dear Clerk of Court  
 Please send me a stamped copy  
 of this filing upon receipt of it.  
 Thank you very much!  
 Ronald Johnson

Writ of Habeas Corpus

28 USC 2241(C)(3)

And

28 USC 2241, 2255

Comes now the Plaintiff Ronald Johnson #04431-015 committed to Wilmington Delaware United States Probation Office to serve 3 year on Probation. Present Address is Coleman, Florida U.S. Pen. P.O. Box 1033 Coleman, Florida 33521-1033, Person on Probation is "in custody" For purpose of habeas Corpus Proceeding. See: U.S. v. Condit 621 F.2d 1096 See: U.S. ex rel. B. v. Shelly 436 F.2d 215.



Coleman, Florida 33521-1033, And Motion and Move this Honorable Court to proceed in this Civil Action lawsuit in Forma Pauperis. Plaintiff the petitioner is indigent and can not pay cost of Court. Because he only make \$5.25 month with no other financial assistance.

### Exhaustion of All Remedies

Plaintiff was illegally indicted in Abington, Virginia for a offense against Philadelphia Pennsylvania's Internal Revenue Service. Plaintiff was tried or Lynched in Lynchburg Virginia United States District Court. Plaintiff Appealed to the United States Court of Appeal, Fourth Circuit who violated the Canon law oath by avoiding all my issues of merit. All this was done in violation of Plaintiff's Fifth, Six, Fourteenth Constitution and Human Rights. Plaintiff the petitioner was Denied certiorari to Supreme Court of The United States, because the Fourth Circuit denied me a copy of my Appeal Brief and exhibits they knew That there actions of knowingly and intentional depriving me of my Federal Constitution Rights to a reversal of Conviction would be known.

Statement of Subject Matter, Clear Reversal Error  
"Illegal Conviction and Sentence"

Plaintiff Ronald E. Johnson was charged with "Several" violations of Title 18 U.S.C. 287. The United States Attorney alter the indictment to 20 counts from several counts. Then added "And 2" after Title 18 U.S.C. 287 making the And 2 to represent 20 Extra charges of Aiding and Abetting, in violation of Plaintiff's Fifth, Six and Fourteenth Federal Constitution rights to only stand trial on the charges returned by the grand jury, and this itself is a "Reversible Error" see: United State v. Prejean C.A. Tex.

1974 494 F.2d 495, see: Stirone v. United States 361 U.S. 212, 217 4 L.Ed. 2d 252, 80 S.Ct. 270. Fact it does not matter whether it was done before or after the grand jury foreman signed it. Because the grand jury minutes clearly show Aiding and Abetting or Preparing False Tax Forms or Aiding and Abetting of False Tax Forms was never a charge ask to prosecute the Plaintiff on, or a charge return by the grand jury.

## Facts OF The Case

The United States Supreme Court, Circuit Court District Court and also State Court and Plaintiff's Federal Constitutional Fifth Amendment Mandated and Ruled that the Fact the United States Attorney altered the indictment by adding to it is "Reversible Error"

See: *Stivone v. United States* Pa 1960, 80 S.Ct. 270, 361 U.S. 217, 4 L.Ed 252

See: *United States v. Bryan* 483 F.2d 68

See: *United States v. Kearney* (D.C.N.Y. 1978) 444 F.Supp 1290

See: *United States v. Projean* 494 F.2d 495

### Furthermore

The same Court Mandate and Ruled that it violates a person's Sixth Amendment Constitutional Right to Stand trial on Felony Charges or Offenses not returned by a grand jury and constitutes "Reversible Error" "Clear Error"

### Constitutional Violation

The Fifth Amendment to the Constitution requires that No person shall be held to answer for a Capital, or otherwise infamous crime, unless on a presentment, or indictment of a Grand Jury. The United States Supreme Court has explained that "an indictment found by a grand jury [is] indispensable to the power of the Court to try the



petitioner for the crime with which he was charged,"  
United States v. Stirone, 361 U.S. 212, 217, 4 L.Ed. 2d 252,  
80 S.Ct. 270 (1960) (emphasis added). Thus, when an indict-  
-ment fails to set forth an "essential element of a crime,"  
the Court... has no jurisdiction to try [a defendant]  
under that Court of the indictment." United States v.  
Hooker, 841 F.2d 1225, 1232-33 (4th Circuit 1988)

See: United States v. Reese, 92 U.S. 214, 23 L.Ed. 563 (1875)

See: United States v. Tran, 234 F.3d 798, 808 (2d Cir 2000)

See: Appendi v. New Jersey, 530 U.S. 466, 147 L.Ed. 2d 435...

See: United States v. Broadwell, 1992 U.S. 9th Cir.

Quotes: From Judge Wilkins, Wilkinson and Williams (4th Circuit judges)

First, a reviewing court may not speculate about  
whether a Grand Jury would or would not have indicted  
a defendant for a crime with which he was never charged,  
a court cannot rely on its own view of what indictment  
a Grand Jury could or would have issued if the Grand Jury  
was never presented with a charge, or what verdict a  
petty jury could or would have reached if the petty jury  
was never presented with an indictment,

"  
To do so would usurp the role of the Grand Jury,  
which, as the Supreme Court has recognized, is not bound  
to indict in every case where a conviction can be obtained



Vasquez v. Hillery 474 U.S. 254, 263, 89 L. Ed 598, 106 S.Ct. 617 (1986). For that reason, we explained in Floresca that "it is utterly meaningless to posit that any rational jury could or would have indicted the defendant for a different crime", because it is plain that this grand jury did not, and, absent waiver, a Constitutional verdict cannot be had on an unindicted offense: 38 F.3d 712 (emphasis added).

"Second, to the extent the argues that we should decline to notice the error because the petty jury would have convicted petitioner of an offense based on the overwhelming evidence at trial, we regret that proposition as well. For the governments position ignores the basic principal that the grand jury and petty jury are separate and independent.

Accordingly, we vacate . . .

See: United States v. David, 83 F.3d 638, 648 (4th Cir 1996)

See: Viborg v. United States 163 U.S. 632, 41 L.Ed 289 (1996)

See: Harris v. United State 149 F.3d 1304 (11th Cir.)

"Reversal Error lack of Jurisdiction and Clear Error"

The United States Court of Appeal, Fourth Circuit has ruled against there own historical ruling and

And there updating rulings. And the Mandated Rulings of Supreme Court and all the Circuit, Districts and State Courts and it is clear Error and the Error has violated the plaintiff and Petitioner's Fifth, Six and Fourteen Amendments Constitutional Rights. And the District Court lacked Jurisdiction to convict and sentence the petitioner.

" Issues For Review "

Question

Inter

Title 18 USC 2 Principal : Aiding and Abetting  
2. principal

(a) Whoever commits a offense against the United States or aids, abet, counsels, commands, induce or procures it Commission is punishable as a principal

(b) Whoever willfully cause an act to be done which if directly perform by him or another would be an offense against the United States, is punishable as a principal.

Interrogatories

What is petitioner convicted of ?

" Interrogatory Question "

• Whether "preparing or aiding and abetting the preparation of False Tax Forms" is a crime under Title 18 USC 2 ?

• What nature of offense or crime of Statute it represents on it own strength "preparing or aiding and abetting the preparation of False Tax Form?

• Whether "Preparing False Tax Form is a crime?

• Whether "aiding aiding and abetting False Tax Form is a crime?

• Whether the government prove more than plaintiff or petitioner prepared or aided and abetted the preparation of False Tax Forms. ?

• Whether the government proved I aided and abetted another to commit a crime "Which is require under Title

• Who committed a crime in Count one ?

• Who committed a crime in Count two ?

• Who committed a crime in Count three ?

• Who committed a crime in each Count four threw twenty ?

• Whether the Grand Jury or petty jury was confused ?



(18 U.S.C. 2 OF 18 U.S.C. 287) Meaning OF Aiding and Abetting Filing of False Claims  
 see Marcus v. Hess 317 U.S. 537, 63 S.Ct. 379, 87 LEd

## Fact OF The Case

" The government never prove there case beyond reasonable doubt "

## " Invalid, Defective Jury Verdict Form "

No one knows what I am convicted of. The prosecutor told the press Tax Fraud. But the judge told the jury Tax Fraud was not what I am charged with. I ask the probation officer but she did not know. She submitted my presentence investigation report saying I was convicted of Presenting False Claims under Title 18 USC 287. Then I explained to the District Court No one ever said I Presented a False Claim. Then she changed it to Aiding and abetting. I ask who said I aided and abetted them or another person. Then she wrote Tax Fraud. Then I explained the District Court told me and the jury Taxes is not my charge and not a part of my case. So they prepare it saying Preparing or aiding and abetting the preparation of False Tax Forms.

### Question

- Which one I committed in Count one or Count two or Count three or Count Four or Count Five thru twenty?
- Who I aided and abetted in each Count one thru twenty?

11  
" Reversible Error , " Clear Error "

The district Charge his memorandum 3 times Fact put him to the test he could not tell you what I am convicted of. Nor could the prosecutor, Nor could the jury, The Court of Appeal, Fourth Circuit panel of Judge ruled they do not know. Yet affirm a Conviction. "Preparing or aiding and abetting the Preparation of false Tax Forms is Not a crime of itself. The government failed to prove a crime in furtherance of Aiding and abetting."

11  
" Reversible Error " Clear Error "

The district court erred during petitioner's closing argument when he order the jury to "disregard anything he say as law I am the judge and I am ordering you to find him guilty if you believe he had anything to do with the preparing of the Taxes"

The Error

What if the jury believe I gave them the paper? Furthermore he had just gave them this jury instruction.

## Fact Of The Case

United States Supreme Court and Congress Mandated and has explained what must be proved and what the nature of the charge is. See Title 18 USC 2

See: U.S. Supreme Court Ruling in *Marcus v. Hess* 317 U.S. 537, 63 S.Ct 379, 87 L.Ed 443 (1943)

See: *United States v. Motley* 940 F.2d 1079

## Evidence At Trial

All Taxpayer testified I did not prepare or file their Taxes. Some never knew me at all, other knew of me through third or fourth person. Some never even was there. All that knew me said I was a legal Tax Preparer. All Denied I had anything to do with illegal behavior. All said they did not want to testify. Almost all said I was a Godly, goodly and professional person. The Government never prove its case that I committed any crime, Nor did they prove anyone else did.

" The District Court Lacked Jurisdiction to Convict Petitioner "

" Violations of Petitioners Constitution Rights "

And  
" Reversible Errors " " Clear Error "

" The Fifth Amendment to the Constitution requires that " No person shall be held to answer for a capital,



or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury. "The U.S. Supreme Court has Mandate explaining that "an indictment found by a grand jury[is] indispensable to the power of the Court to try a defendant for crimes with which he was charged "Ex Parte Bain, 121 U.S. 1, 12-13, 36 L. Ed. 849, 7 S.Ct 781 (1887), and that a Court cannot permit a defendant to be tried on charges that are not made in the indictment against him," United States v. Stinson, 361 U.S. 212, 217 4 L. Ed. 2d 252, 80 S.Ct. 270 (1960) (emphasis added). Thus, when an indictment fails to set forth an "essential element," the Court . . . has no jurisdiction," United States v. Hooker, 841 F.2d 1225, 1232-33 (4th Cir. 1988)

"And, of course, a district Court cannot impose a sentence for a crime over which it does not have jurisdiction to try a defendant for."

### " Facts OF The Case "

The grand jury never return a charge for "Preparing or aiding and abetting the preparation of False Tax Forms,"

### " Reversible Error " Clear Error "

The fact the United State Attorney added "And 2" to represent 20 Count of aiding and abetting on the

indictment is reversible error. These Court Mandated and explained that it is reversible error. The Court explain that it is reversible error because it violates the Fifth Amendment to the Constitution. Preparing false Tax Forms is not a charge in my indictment, Nor was aiding and abetting the preparation of False Tax Forms.

" Error OF The Court " "Clear Error"

Preparing or aiding and abetting the preparation of False Tax Forms is not a crime at all. These cases ruled that no matter how false, corrupt a person prepare Tax Forms and threw them away or do nothing with them could never be a crime. So the crime is not the preparing of a Tax Form, What is the crime but the Filing

See: United States Supreme Court 5 LEd 2d 970-990

See: Newton v. United States 162 F.2d 795

See: Reass v. United States 99 F.2d 752

" Petitioner's Constitutional Right was violated "

" District Court lacked Jurisdiction "

" Reversible Error " "Clear Error"

" The Six Amendment unequivocally Mandates trial

in the State and District wherein the Crime shall have been committed", And proff of venue is therefore an essential part of The government's Case "Without which the Can be No Conviction."

See: United State v. Jones 174 F.2d 746

See: Travis v. United 5 L.Ed 2d 970-990 (annotated)

In Travis v. United States the United States Supreme Court Ruled in all Case of Presenting False Claims Could only be prosecuted where they was Filed No matter where they was prepared.

### " Reversible Error " " Clear Error "

Petitioner's Fourteenth Amendment Constitutional rights was violated when the prosecuter and judge presented to the jury that my case was a continuing offense, using the preparatory offense knowing that preparatory offense was not a overt offense within the meaning of a continuing offense under Title 18 U.S.C. 3237. When they told the jury preparing false Tax Forms or aiding and abetting the preparation of false Tax Forms was a crime, When they interpretend to the jury preparing false Tax Forms itself was a crime, When they allow allow a expert witness to say the same.



When they mislead the jury they have venue, They Com-  
mitted Fraud and presented false claims, When they told  
the jury that Title 18usc 237 mean for the word "pre-  
pare false claims means in it typed or written form,  
When the District Court told the jury to disregard every  
thing I say and When he order them to find me guilty  
if they believe I had anything to do with the pre-  
paring of false Tax Forms. When they withheld the facts  
from the jury, When they acted in a Conspiracy to Con-  
vict me or have me Convict. When the judge refuse to  
clarify what was the proper nature of the Title of  
my charge, When I was trial for charge not returned  
by a grand jury, When the withheld my true charge  
hand down by the grand jury, When I was Denied a Bill  
of particular so I could hold them to one kind of charge,  
When they brought in over 20 Federal agent during trial  
without Notice, When they brought the whole enactment  
of Congress of a Continuing offense under Title 18usc 237  
When they made up a dective indictment for the purpose  
of seeking a illegal conviction, When they act under  
Color imposing the jury to disregard my facts. All of this  
and more Violated my due process rights to a Fair trial.

## "Reversible Error" "Clear Error"

The United State Supreme Court in Brady v. Maryland 373, U.S. 83 S.Ct. 1194 10 L.Ed 2d 215 Held that the Due Process clause of the Fourteenth Amendment forbids the government, in a Criminal case, from suppressing evidence favorable to the accused, where such evidence is material either to guilt or punishment, irrespective of good faith of the prosecutor id at 87, 88 S.Ct 1194

## "Reversible Error" "Clear Error"

The United States Supreme Court in Travis v. United States, The Circuit Courts, District Courts and State Court Ruled that preparatory offenses could not be used as Venue issues to give a Venue and any other district then where the actual acts or overt offenses occurred.

See: Travis v. United States 5 L.Ed 2d 970-990

See: United States v. Aguilar 756 F.2d 1418

see: Green v. United States 309 F.2d 852

See: United States v. Angotti 105 F.3d 539

See: United States v. Green 862 F.2d 1512

## Reversible Error "Clear Error"

United States v. Perucca, 630 F.Supp. 784 (D. Mass 1986)

Petitioner is a Pro-Se prisoner litigant; who has no formal training, education, or experience that renders him qualified to perform the duties you have impose. My position is to clarify I have exhaust all remedies. I can not get relief in any other District, by 28 USC 2255 or otherwise. I stated a Cause of Action and relief upon which can be granted. I never should of been arrest trialed or conviction or sentence. My civil Constitutional right have been violated And I am in custody in violation of my right and because my rights was violated. Base on Equal Protection of law I should have a right by law to all relief without a burden of arguement of which Writ applies. The Court has a right and duty to make amends for damage Cause Supreme Court of United State of America Ruled these issues should have never be avoided and should never happen.



# Proof OF Accual Innocense

① I am not Convicted of the Charge of the grand jury "Presenting False Claims upon and against Philadelphia Pennsylvania's (I.R.S.) Internal Revenue Service, in violation of Title 18 USC 287." The only Charges of the grand jury."

② "I am not Convicted OF a lesser included offense," Nor was it asked of the "grand jury" to prosecute for a lesser included offense. And Nor did they return a indictment for a lesser charge.

③ I am not Convict of Aiding and Abetting another in violation of Title 18 USC 2 of Title 18 USC 287  
See: Marcus v. Hess 87 L.Ed 2d 443 Supreme Court Ruling  
See: Motley v. United States 940 F.2d 1079

④ I am not Convicted of a Charge return by a grand jury therefore my 5th, 6th, and 14th Amendment Federal Civil Rights are in violation

See: Stirone v. United States 361 U.S. 212, 217, 4 L.Ed 2d 252, 80 S.Ct 270

See: United States v. Prejean 494 F.2d 495

⑤ Invalid Indictment: The indictment was invalid. The District Court lacked Venue and Jurisdiction to hear a Charge of Presenting False Claims against and upon Philadelphia Pennsylvania (I.R.S.)

See: Travis v. United States 51 Fed 2d 970-990

See: Green v. United States 309 F.2d 852

See: United State v. Augular 105 F.3d 539

See: United State v. Greene 802 F.2d 1512

" Government never Prove it's Case "

⑥ The government never proved I committed any offense. Nor did the government prove anyone else did, which is require to prove a Aiding and Abetting Charge. Nor did the Government prove a Tax Payer Filed any false claims and I aided and abetted Counsel or Command them to Commit a Crime which is a requirement under Title 18 USC 2. Nor did the government ask the grand jury or Judge to prosecute for a lesser included offense. Preparing Tax Form or Aiding and abetting Tax Form False or Not is not a Crime under 18 USC 287 or 18 USC 2. Nor did they prove I Prepare anyone Taxes. No Tax payer back that story. No Person or Tax Payer said I prepare there Taxes before, during or after trial. The District Court ordered the jury to find me

⑦ I am in Custody in violation of law, Constitution and Treaties And I am actually Innocent.

See: 28 USC 2241 (C)(3) (19)

I am in Custody in violation of Law, Constitution, Treaties, Federal Rules of Civil procedure et al.

⑨ The indictment was altered and 20 Extra Charges was added when the prosecutor Amended the indictment and wrote "And 2" on it to represent 20 extra charge of Aiding and Abetting in violation Title 18 USC 2. That was "Clear Error" And "Reversible Error".

See: *Stirone v. United States* 80 S. Ct 270, 361 U.S. 212  
4 L. Ed 2d 252

See: *United State v. Bryan* 483 F.2d 88

See: *United State v. Kearney* 444 F. Supp 1290

See: *United State v. Prejean* 494 F.2d 495

### Jurisdictional Claims

⑨ The District Court was without Jurisdiction and Venue therefore I am in custody in violation of Law, Constitution and Treaties. The District Court was without Jurisdiction, And petitioner is innocent.

See: *Harris v. United States* 149 F.3d 1304

See: *United States v. David* 83 F.3d 638

See: *Viborg v. United States* 163 U.S. 632, 41 L. Ed 2d 289

⑩ Some jurors refuse to find me guilty, The judge signed the Verdict



## Judicial And Prosecutor misconduct "

The prosecutor and District both presented false claims and committed fraud to the petty jury by telling them that my case was a Continuing offense. After being notified by me in regards to Supreme Court Ruling in Travis v. United State 5 LEJ 2d 970-990.  
Green v. United State 309 F.2d 852  
United State v Aguilar 756 F.2d 1418  
And over a dozen other caselaw Supreme Court Ruling et all.

### The judge strip the Jury of Authority

The judge at my closing argument when I told the jury that there the judges, The District Court Judge Moon jumped up out his chair and told the jury, "You're not the judges I am and I am ordering you to find him guilty I am ordering you to find him guilty (pause) I am telling you you're not the judges and I order you to find him guilty if you believe he had anything to do with the preparing of the Tax Forms." That was "clear and Reversible Error". Seeing preparing or aiding and abetting is not a charge return by a grand jury, Nor is it a crime under Title 18 USC 287 or Title 18 USC 2 Aiding and Abetting.

### Charge of Conviction

I am convicted of "Preparing or aiding and abetting the preparation of False Tax Forms" What charge or offense conduct do that represent? Not Title 18 USC 287, Nor 18 USC 2!

## Why The Judge Order the jury to Find me guilty

Because in my Closing arguement I told the pety jury the truth. I said "why do you think the judge keeps defending the prosecutor and refuse to let us argue before you? It's because she cant defeat me. I have put her to silence twice already once on pretrial August 10, 2004 and again out of your presents. She cannot defeat me on any issue. Come on Ladies and Gentelman of the jury you know if I went to Philadelphia Pennsylvania and rob a bank and came back here that Virginia could not prosecute and Venue you is a part of the government case she must prove that a crime happen not only in this State but in this District and she cannot so the judge want tell you what the meaning of the charge is. He want to use present and prepare they present false claims lies and fraud. I tell you what it mean Filing. And you've heard the evidence and Facts, Not one person said I File there Taxes, Nor did anyone say I prepared there taxes And That's the only charge of the grand jury. And the only charge I have to prove I did not do. And your the judge And the judge want me convicted. That's why I pick a jury. Your the judge and i'm asking you in the Name of God to Find me not guilty.

### Facts OF The Case

The jury was shaking there head up and down. That's why the judge jumped up and told them there not judge and Ordered them to Find me guilty. Therefore I am innocent along with the other grown.